

STATE OF INDIANA

DIVISION OF STATE COURT ADMINISTRATION



SUPREME COURT

RANDALL T. SHEPARD, CHIEF JUSTICE

LILIA G. JUDSON, EXECUTIVE DIRECTOR
DAVID J. REMONDINI, CHIEF DEPUTY EXECUTIVE DIRECTOR

30 SOUTH MERIDIAN STREET SUITE 500
INDIANAPOLIS, IN 46204-3568
(317) 232-2542
FAX (317) 233-6586
www.IN.gov/judiciary

December 29, 2011

Ms. Wendy Hudson
Clerk, Elkhart
101 N. Main Street
Goshen, IN 46526

Dear Ms. Hudson:

I am pleased to inform you that your renewal request to post non-confidential court information on the Internet that you submitted earlier this year has been approved, subject to the conditions set forth in this letter. This approval is administrative in nature and is granted under the provisions of Trial Rule 77(K).

1. You are authorized to post non-confidential party, attorney, case number and CCS information on the Internet, as well as the court calendar. Should you decide to make any changes to what you propose to post, you must seek and obtain specific approval for such changes.
2. You must provide a copy of this approval letter to the judge of each court whose records are posted on the Internet.
3. Approval of this request to post information on the Internet in no way reduces the obligation of the clerk and court to make non-confidential court information available to the public through traditional means in response to in-person and telephone inquiries.
4. You, the judge, and any entity involved in providing technology services for court records are responsible for taking reasonable steps to ensure that Administrative Rule 9, as well as all other applicable state and federal laws are followed, including without limitation those laws pertaining to confidentiality. The full text of Administrative Rule 9 can be found under Administrative Rules at <http://www.courts.in.gov/2695.htm>.
5. Your contract with your case management vendor and the Internet services provider must comply with the requirements of Administrative Rule 9(K).

6. Your contract with your vendor must explicitly make clear that all information and data remain the property of the court, and any use of the data other than as specified by this authorization, is prohibited. No court data will be sold, licensed, or otherwise made available to any other entity for any other purpose.

7. You must conduct periodic audits of the data being provided over the Internet in order to assure compliance with this approval, Administrative Rule 9 and other relevant laws.

8. You must assure that the display on the Internet will provide appropriate advice and/or disclaimer to users about the non-official status of the information displayed on the Internet.

9. If your County Board of Commissioners has adopted an electronic system fee to be charged in conjunction with public access to court records, you must have the fee approved by the Division, and the method of the fee's collection, deposit, distribution and accounting must be approved by the Indiana State Board of Accounts as required by Administrative Rule 9(E).

10. The Division of State Court Administration will be collecting information from clerks and courts that provided information over the Internet to report on matters related to the posting of court records, including the number of subscribers, fees collected and any security breach issues that have arisen. This report will be required as part of the renewal process.

11. The Supreme Court and the Division of State Court Administration reserve the authority to make changes to the approval process and to the rules governing both the approval and the posting of information. Any contractual arrangement should reflect acknowledgment of this authority.

12. Prior to this approval, vendors transferring court data to their own servers as part of the posting process executed and filed with the Division of State Court Administration a Request for Bulk Data/Compiled Information and User Agreement for Bulk Distribution of Data. If any changes occur during the year, both documents must be amended.

13. All vendors receiving bulk data transfers, including transfers for the purpose of posting court records in accord with T.R. 77(K), must fill out a Distribution Receipt Form for Bulk Distribution of Data or Compiled Information and file the completed form with the Division of State Court Administration within thirty (30) days of the first distribution.

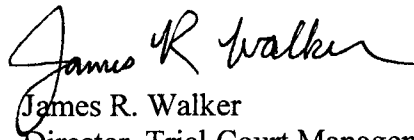
14. This approval expires **January 31, 2012**. However, upon receipt of an acknowledgement from you that you accept the conditions of this approval, this approval will be extended to **January 31, 2013**, without the necessity of you filing a request to renew for calendar year 2012 unless you seek to modify your request. For your convenience, an Acceptance of Conditions Form is included with this letter.

Renewal requests should be made using the Renewal Form for Posting Court Information on the Internet that may be downloaded from the Indiana Courts website at <http://www.courts.in.gov/admin/2481.htm>, and should be mailed back to the Division of State Court Administration at least ten (10) days prior to the expiration of this approval.

Courts using the Odyssey case management system are automatically approved to post court information on the Internet in the manner described by the Supreme Court's Order dated December 5, 2007, *In Re The Matter of Public Access to Electronic Court Records Under Odyssey Case Management System*, 94S00-0712-MS-567, and no further approval from the Division is required.

Please feel free to contact me should you have any further questions or should you need any further assistance.

Sincerely,

A handwritten signature in black ink that reads "James R. Walker". The signature is fluid and cursive, with the first name "James" and last name "Walker" clearly legible.

James R. Walker
Director, Trial Court Management



Indiana Supreme Court
Division of State Court Administration

Acceptance of Conditions to Post Non-Confidential
Court Information on Internet under Trial Rule 77(K)

I, _____, _____, of the _____ Court(s)
[Print Name] [Title: Clerk or Judge]

having received authorization from the Division of State Court Administration under
Trial Rule 77(K) to post non-confidential court information on the Internet under terms
and conditions set forth in a letter from the Division dated _____,
hereby acknowledge and accept the conditions set forth in the approval letter.

Date

Signature

The Division of State Court Administration's authorization for your court(s) to post non-confidential records on the Internet is not effective until you have completed this form, and it is received by the Division. You may either mail the signed original to the Division of State Court Administration, Attn: Jeffrey S. Wiese, 30 South Meridian Street, Suite 500, Indianapolis, IN 46204, or you may fax a copy to the Division at (317) 233-6586. If you fax a copy, your approval will be effective as of the date your fax is received at the Division, but you must maintain the original signed document.



Indiana Supreme Court
Division of State Court Administration
Request to Post Court Information on the Internet
under Trial Rule 77(K) – Renewal Request

You must complete this form regardless of prior approval!

Important Notes: A vendor who accesses court information under this request must execute a Bulk Data User Agreement with the Division of State Court Administration under Administrative Rule 9 before this request may be approved and before any court information may be released to that vendor.

If a vendor is used, the Division will not approve any request that is not accompanied by a copy of the agreement between the clerk and the vendor, which agreement must include provisions requiring the vendor to report any breaches of security and/or any unauthorized release of confidential information bi-annually, and providing for an annual audit, at vendor expense, of revenues generated by the contract.

For questions related to this form, please contact Jeffrey S. Wiese. All materials should be submitted to the Division of State Court Administration, Attn: Jeffrey S. Wiese, 30 South Meridian Street, Suite 500, Indianapolis, IN 46204, or by fax to (317) 233-6586.

County: Elkhart Date of Request: 1-31-11

Clerk: Wendy Hudson Vendor* (if any): Doxpop, LLC
*See Important Notes above

Requestor Name: Wendy Hudson Phone Number 574-535-6433

Requestor E-Mail Address: wendyshudson@elkhartcounty.com

Requestor Address: 101 N. Main Street

Goshen, IN ~~46256~~ 46526

Requestor Office/Position/Title: Clerk of Circuit Court

Pursuant to Trial Rule 77(K), I, Wendy Hudson, Clerk of
Elkhart County, with the consent of a majority of the judges of courts

of record in the county request to post electronic court information on the Internet as set out below.

As a renewal request, you only need to complete Sections 1 & 3. However, if your vendor, pricing or information posted has changed from your initial request, you must indicate those changes in Section 2. Is your renewal requesting any changes? Yes ☒ No ☐ If yes, please complete only those items for which a change is requested.

Section 1 – For Renewals Only:

A. Date information was first posted to Internet: 7/03/2003

B. Does your Court post the information using in-house technology? ☐ Yes ☒ No

C. If no, Name of Vendor: Doxpop LLC

D. Date your vendor was last approved for Admin.R. 9(F) Bulk Data access?

August 17, 2010 (2011 application has been submitted and is pending approval)
(Vendors must renew Admin.R. 9(F) requests annually)

E. Does your Court or does your vendor charge a fee for access to the Court Information? ☒ Yes ☐ No (If your fee structure has changed, you must indicate changes in Section 2.)

F. If you or your vendor charges a fee, please provide the amount of revenue collected by the Court or remitted to the Court for the previous year: \$1,900.00

G. Has your County Board of Commissioners adopted an electronic system fee?

☐ Yes ☒ No.

If yes, did your Court comply with Admin.R. 9(E) with regard to the fee collection, deposit, distribution and accounting of any revenue? ☐ Yes ☐ No NA

H. List specific costs associated with the posting of information electronically, e.g., Internet access. (Please list with dollar amounts, add additional lines or pages if necessary):

<u>Costs</u>	<u>Amount</u>
<u>NONE</u>	
_____	\$ _____
_____	\$ _____

I. List the responsible party, e.g., County Commissioners, for each of these costs:

N/A

J. Is Internet access to records available at all times? X Yes ☐ No

K. If Internet access is available only during particular hours, please list hours: NA

L. Please provide the following details for any and all revenues generated from the posting of court records to the Internet:

1. Revenues generated in since last request filed \$1,900.00

2. Fund/account revenues are deposited to: County General

3. Expected revenues for renewal period: \$ 1,900.00

If your vendor, pricing structure and the information you are posting remain the same as in your initial application, you need not complete Section 2. If your vendor, pricing or information posted has changed, you must indicate the changes in Section 2.

Section 2- For Change of Information: (only complete those items that have changed)

NO CHANGES ARE REPORTED IN THIS SECTION.

A. Proposed start date for posting electronic information:

B. Name of Vendor (if any):.....

C. List specific costs associated with the posting of information electronically, e.g., Internet access, technology costs. (Please list with dollar amounts, add additional lines or pages if necessary):

<u>Costs</u>	<u>Amount</u>
_____	\$ _____
_____	\$ _____

D. List the responsible party for each of these costs, e.g., County Commissioners, vendor reimbursement:.....

E. Will Internet access to records be available at all times? ☐ Yes ☐ No

F. If Internet access is available only during particular hours, list hours here _____

G. Please provide the following details for any and all revenues expected to be generated from the posting of court records to the Internet:

1. Fund/account revenues will be deposited to:

2. Did your Court comply with Admin.R. 9(E), if applicable? _____

3. Expected revenues for first year: _____

H. Who will be able to access the electronic information? (Check those that apply)

1. ☐ General public (i.e. no subscribers, all users have same access)
2. ☐ Subscribers/registered users only (i.e. no general public access, all users must be registered)
3. ☐ Both subscribers/registered users and general public (i.e. more information available to registered users, but some information available to general public access)
4. ☐ Other (please describe access):

I. Will your system require users to subscribe or register? ☐ Yes ☐ No
If no, skip to Question J. If yes, please attach the subscriber agreement to this document, and answer the following questions:

1. Is there a cost for subscription? ☐ Yes ☐ No If yes, how much? 2. What information may a **subscriber** obtain electronically? _____

3. Is there an additional cost for **subscribers** to access specific records? ☐ Yes ☐ No If yes, how much is the cost to **subscribers**? \$_____ and how is it assessed (per record, per search, etc.)? _____

J. Can the **general public** access specific case records? ☐ Yes ☐ No

1. What information may the **general public** obtain electronically? _____

2. Is there an additional cost for the **general public** to access specific records? ☐ Yes ☐ No If yes, how much is the cost to the **general public**? \$_____ and how is it assessed (per record, per search, etc.)? _____

K. How will the clerk/court monitor subscriber/vendor relations? Who is responsible for audits and oversight and how often are audits reported to the courts

L. What means will be used to terminate access if a subscriber or vendor misuses or violates the agreement, who will implement the termination, are there other consequences besides termination of access (list any), and are there any safeguards in place to prevent misuse of the system?

M. What information do you plan to include on your site? (Choose all that apply)

General Subscriber

Public Only

Access Access

<input type="checkbox"/>	<input type="checkbox"/>	Courthouse Information (driving directions, parking, etc.)
<input type="checkbox"/>	<input type="checkbox"/>	Court Information (address, phone numbers, general hours, etc.)
<input type="checkbox"/>	<input type="checkbox"/>	Judge Information (biographical, jurisdiction, etc.)
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Index
<input type="checkbox"/>	<input checked="" type="checkbox"/>	CCS
<input type="checkbox"/>	<input type="checkbox"/>	RJO
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Court Calendar
<input type="checkbox"/>	<input type="checkbox"/>	Printable Forms
<input type="checkbox"/>	<input type="checkbox"/>	Self-Help Information
<input type="checkbox"/>	<input type="checkbox"/>	

If you selected "other", please describe: _____

N. How often will the site be updated and by what means (vendor or court/county staff)?

O. In addition to confidential information under Administrative Rule 9, is there particular information that will be redacted or that will not otherwise be available to the **general public**? ☐ Yes ☐ No

Describe:

P. In addition to confidential information under Administrative Rule 9, is there particular information that will be redacted or that will not otherwise be available to **subscribers**?

☐ Yes ☐ No

Describe:

Q. Is the court's case management system web-based or will the information be transferred to a vendor's server?

Please explain:

R. Please describe, in detail, what kind of security process will be used to safeguard court information that is posted to the Internet, as well as the court information/case management system on the court's own server, e.g., firewall, redundant back up:

S. Please provide details on your plan and/or procedure for updating the site, including the individual(s) responsible for checking information posted to the Internet, how frequently the information is reviewed, and how often updates to the web site are reported to the courts for approval of the updates: _____

Section 3 – Required For All Requests

ATTACHMENTS: Please attach the following to this request:

1. Copy of the current Consent of the Judges for posting the records under Trial Rule 77(K). (Consent must be updated with every renewal request.)
2. Copy of samples of web pages or screen prints.
3. Copy of the agreement between the Court or Clerk and any outside vendor, if applicable.
4. Copy of the letter from the Division of State Court Administration approving Vendor to receive bulk data distribution, if a Vendor is used to access court information under this request.
5. Copy of any documentation with respect to compliance with the State Board of Accounts and the revenue accounting methods, if applicable.
6. Copy of any subscriber agreements provided by the Court or Vendor, if applicable.
7. Document Submission Checklist (*Attach to the front of your request.*)

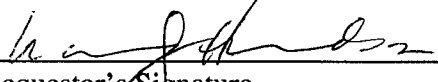
I hereby certify that the abovementioned information is accurate and complete, and that all information will be posted in compliance with Trial Rule 77 (K) and Administrative Rule 9.

Wendy Hudson

Requestor's Name (Please Print)

Clerk of Circuit Court, Elkhart County

Requestor's Title


Requestor's Signature

1-31-11
Date


Attachment 1

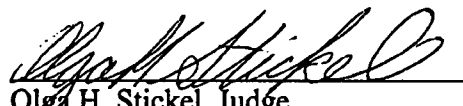
Copy of the current Consent of the Judges for posting the records under Trial Rule 77(K), required.

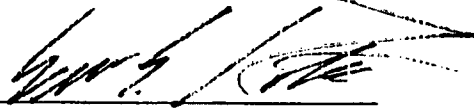
**Elkhart County
Order of Consent for
Electronic Posting of Court Records**

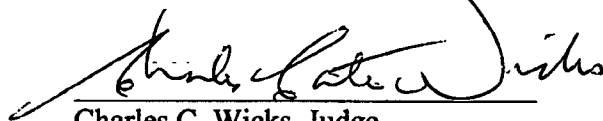
Pursuant to Trial Rule 77 of the Indiana Rules of Procedure, the Elkhart County Circuit and Superior Courts hereby consent to the electronic posting of court records and order the Clerk of Circuit Court to seek the permission of the Division of State Court Administration for such posting using the software and services of Doxpop.

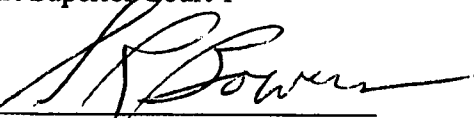
Ordered adopted and effective this 20th day of January, 2011.



Terry C. Shewmaker, Judge
Elkhart Circuit Court



Olga H. Stickel, Judge
Elkhart Superior Court 4


Evan S. Roberts, Judge
Elkhart Superior Court 1


Charles C. Wicks, Judge
Elkhart Superior Court 5


Stephen R. Bowers, Judge
Elkhart Superior Court 2


David Bonfiglio, Judge
Elkhart Superior Court 6


George W. Biddlecome, Judge
Elkhart Superior Court 3